



# Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Twenty-fourth Meeting Day

Wednesday Morning

February 25, 2004

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Todd Pearson, First Baptist, Orleans, the guest of Representative Jerry L. Denbo.

The Pledge of Allegiance to the Flag was led by Representative Denbo.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski ...
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Messer
Buck	Moses
Budak	Murphy
Buell	Neese
Burton	Noe
Cheney	Orentlicher
Cherry	Oxley
Chowning	Pelath
Cochran	Pflum ...
Crawford	Pierce
Crooks	Pond
Day	Porter
Denbo	Reske
Dickinson	Richardson
Dobis	Ripley
Duncan	Robertson
Dvorak	Ruppel
Espich	Saunders
Foley	Scholer
Frenz	V. Smith
Friend	Stevenson
Frizzell	Stilwell
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Van Haaften
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 220: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

## MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 86, 263, and 493 for signature.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1024, 1046, 1087, 1114, 1132, and 1204 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1005, 1171, 1234, 1251, and 1435 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1360 and 1438 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1029, 1032, 1055, 1266, and 1345 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14 and 32 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 4, 21, and 38 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as cosponsor of Engrossed Senate Bill 379.

HASLER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be removed as sponsor of Engrossed Senate Bill 434, Representative Liggett be substituted as sponsor.

GRUBB

Motion prevailed.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 2:20 p.m. with the Speaker in the Chair.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 3:45 p.m. with the Speaker in the Chair.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1018, 1051, 1072, 1135, 1154, and 1202 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1017, 1019, 1218, 1245, 1254, 1265, 1277, 1308, 1330, 1349, 1365, 1434, and 1449 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

MOTIONS TO DISSENT  
FROM SENATE AMENDMENTS

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1234 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BAUER

Motion prevailed.

## CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1234 Conferees: Porter and Robertson  
Advisors: Crawford, Goodin, Ayres, and Becker

ENGROSSED SENATE BILLS  
ON SECOND READING

## Engrossed Senate Bill 21

Representative Kuzman called down Engrossed Senate Bill 21 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## Engrossed Senate Bill 24

Representative Pelath called down Engrossed Senate Bill 24 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## Engrossed Senate Bill 35

Representative Kuzman called down Engrossed Senate Bill 35 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## Engrossed Senate Bill 36

Representative Mahern called down Engrossed Senate Bill 36 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Whetstone rose to a point of order suggesting the absence of a quorum.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The absentees were called; a quorum was not present.

The Speaker announced that the House would recess for the minority party caucus and that the roll would not be tallied until after the recess.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:30 p.m. with the Speaker in the Chair.

The Speaker ordered the roll reopened. A quorum still was not present. The Speaker announced that the House would continue in recess and that the roll would be tallied upon reconvening.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 6:30 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence of a quorum:

T. Adams	Foley
Aguilera	Frenz
Alderman	Friend
Austin	Frizzell
Avery	Fry
Ayres	GiaQuinta
Bardon	Goodin
Becker	Grubb
Behning	Gutwein
Bischoff	Harris
Borror	Hasler
Bosma	Heim
Bottorff	Herrell
C. Brown	Hinkle
T. Brown	Hoffman
Buck	Kersey
Budak	Klinker
Buell	Koch
Burton	Kromkowski ...
Cheney	Kruse
Cherry	Kuzman
Chowning	LaPlante
Cochran	L. Lawson
Crawford	Lehe
Crooks	Leonard
Day	Liggett
Denbo	J. Lutz
Dickinson	Lytle
Dobis	Mahern
Duncan	Mangus
Dvorak	Mays
Espich	McClain

Messer	Scholer
Moses	V. Smith
Murphy	Stevenson
Neese	Stilwell
Noe	Stutzman
Orentlicher	Summers
Oxley	Thomas
Pelath	Thompson
Pflum ...	Torr
Pierce	Turner
Pond }	Ulmer
Porter	Van Haaften
Reske	Welch
Richardson	Whetstone
Ripley	Wolkins
Robertson	D. Young
Ruppel	Yount
Saunders	Mr. Speaker

Roll Call 221: 97 present; 2 excused; 1 absent. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused; } indicates those who were absent.]

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1042, 1082, 1102, 1150, 1190, 1257, 1293, 1341, and 1344 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1054, 1062, 1080, 1098, 1178, 1273, 1301, 1304, 1306, 1320, and 1350 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

### ENGROSSED SENATE BILLS ON SECOND READING

#### Engrossed Senate Bill 296

Representative Welch called down Engrossed Senate Bill 296 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 257

Representative Crawford called down Engrossed Senate Bill 257 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 93

Representative Mahern called down Engrossed Senate Bill 93 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 22

Representative Bottorff called down Engrossed Senate Bill 22 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 4

Representative Stilwell called down Engrossed Senate Bill 4 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 46

Representative Summers called down Engrossed Senate Bill 46 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 74

Representative Kuzman called down Engrossed Senate Bill 74 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 69

Representative Frenz called down Engrossed Senate Bill 69 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 166

Representative Frenz called down Engrossed Senate Bill 166 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Whetstone rose to a point of order suggesting the absence of a quorum.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The absentees were called; a quorum was not present.

The Speaker announced that the House would recess for the minority party caucus and that the roll would not be tallied until after the recess.

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 8:00 p.m. with the Speaker in the Chair.

Representative Dickinson was excused for the rest of the day.

The Speaker ordered the roll of the House to be called to determine the presence of a quorum:

T. Adams	Friend
Aguilera	Frizzell
Alderman }	Fry
Austin	GiaQuinta
Avery	Goodin
Ayres	Grubb
Bardon	Gutwein
Becker }	Harris
Behning	Hasler
Bischoff	Heim
Borror }	Herrell
Bosma }	Hinkle
Bottorff	Hoffman }
C. Brown	Kersey
T. Brown	Klinker
Buck }	Koch }
Budak	Kromkowski ...
Buell	Kruse
Burton	Kuzman
Cheney	LaPlante }
Cherry }	L. Lawson
Chowning	Lehe
Cochran	Leonard }
Crawford	Liggett
Crooks	J. Lutz }
Day	Lytle
Denbo	Mahern
Dickinson ...	Mangus
Dobis	Mays
Duncan }	McClain
Dvorak	Messer }
Espich }	Moses
Foley	Murphy }
Frenz	Neese

Noe	Stevenson
Orentlicher	Stilwell
Oxley	Stutzman }
Pelath	Summers
Pflum ...	Thomas
Pierce	Thompson }
Pond	Torr
Porter	Turner
Reske	Ulmer
Richardson }	Van Haaften
Ripley }	Welch
Robertson	Whetstone
Ruppel	Wolkins }
Saunders	D. Young }
Scholer }	Yount }
V. Smith	Mr. Speaker

Roll Call 222: 74 present; 3 excused; 23 absent. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused; } indicates those who were absent.]

### ENGROSSED SENATE BILLS ON SECOND READING

#### Engrossed Senate Bill 327

Representative Crawford called down Engrossed Senate Bill 327 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 160

Representative Hasler called down Engrossed Senate Bill 160 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 360

Representative Austin called down Engrossed Senate Bill 360 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 251

Representative Fry called down Engrossed Senate Bill 251 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 19

Representative Moses called down Engrossed Senate Bill 19 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 222

Representative Bardon called down Engrossed Senate Bill 222 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 29

Representative C. Brown called down Engrossed Senate Bill 29 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 425

Representative Lytle called down Engrossed Senate Bill 425 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 194

Representative Orentlicher called down Engrossed Senate Bill 194 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Whetstone rose to a point of order suggesting the absence of a quorum.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum:

T. Adams	Kromkowski ...
Aguilera	Kruse }
Alderman }	Kuzman
Austin	LaPlante }
Avery	L. Lawson
Ayres }	Lehe }
Bardon	Leonard }
Becker }	Liggett
Behning }	J. Lutz }
Bischoff	Lytle
Borror }	Mahern
Bosma }	Mangus }
Bottorff	Mays
C. Brown	McClain }
T. Brown	Messer }
Buck }	Moses
Budak }	Murphy }
Buell }	Neese }
Burton }	Noe }
Cheney	Orentlicher
Cherry }	Oxley
Chowning	Pelath
Cochran	Pflum ...
Crawford	Pierce
Crooks	Pond }
Day	Porter
Denbo	Reske
Dickinson ...	Richardson }
Dobis	Ripley }
Duncan }	Robertson
Dvorak	Ruppel }
Espich }	Saunders }
Foley }	Scholer }
Frenz	V. Smith
Friend }	Stevenson
Frizzell }	Stilwell
Fry	Stutzman }
GiaQuinta	Summers
Goodin	Thomas }
Grubb	Thompson }
Gutwein }	Torr }
Harris	Turner }
Hasler	Ulmer }
Heim }	Van Haaften
Herrell	Welch
Hinkle }	Whetstone
Hoffman }	Wolkins }
Kersey	D. Young }
Klinker	Yount }
Koch }	Mr. Speaker

The absentees were called. Roll Call 223: 50 present; 3 excused; 47 absent. The Speaker announced a quorum was not in attendance. [NOTE: ... indicates those who were excused; } indicates those who were absent.]

The Speaker announced that the House would reconvene on Thursday, February 26, 2004 at 10:00 a.m.

Pursuant to House Rule 4, on the motion of Representative Fry, the House adjourned at 8:10 p.m., this twenty-fifth day of February, 2004, until Thursday, February 26, 2004, at 10:00 a.m.

B. PATRICK BAUER  
Speaker of the House of Representatives

DIANE MASARIU CARTER  
Principal Clerk of the House of Representatives